THE HON'BLE MR JUSTICE J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE M. VENKATESWARA REDDY

WRIT PETITION No: 5361 of 2006

Date: 31.03.2006

Between:

State of Andhra Pradesh,
Rep., by its Chief Secretary,
General Administration Department,
Secretariat, Saifabad, Hyderabad.

... PETITIONER.

AND

Sri D.R. Garg

... RESPONDENT.

THE HON'BLE MR JUSTICE J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE M. VENKATESWARA REDDY

ORDER:- (PER THE HONOURABLE JC,J)

Aggrieved by an order, dated 28.10.2005 in O.A.No.870 of 2005 of the Central Administrative Tribunal, the respondent therein preferred the present writ petition.

The sole respondent herein is the direct recruitee to IAS batch 1980, now working as Commissioner of Ayurveda, Yoga, Unani, Siddah and Homeopathy (AYUSH) Department of the State of A.P.

Vide proceedings dated 15.04.2002 disciplinary action was initiated against the respondent for certain alleged misconduct while he was working as Secretary, A.P. Social Welfare Residential Educational Institutions Society. Challenging the said proceedings, the respondent approached the Central Administrative Tribunal in O.A.No.870 of 2005 on various grounds, the details of which may not be necessary for the present, with a prayer to quash the proceedings dated 15.04.2002 referred to earlier and other incidental reliefs.

By an order dated 28.10.2005, the Tribunal declined to grant the relief of quashing the abovementioned proceedings. However, the Tribunal directed the petitioner herein to complete the enquiry expeditiously and also to consider the representation of the respondent herein for promotion according to the rules in force. The Tribunal further directed that the disciplinary proceedings be concluded within a period of three months from the date of receipt of a copy of the order in the abovementioned O.A; with a further direction that the representation of the respondent herein seeking promotion also shall be considered as per rules within the said period and finally the Tribunal declared that if the enquiry is not completed within the said period of three months, the charges against the respondent herein shall be deemed to have been dropped.

The petitioner herein brought to our notice various difficulties in not concluding the enquiry as directed by the Tribunal and assures this Court that if this Court is pleased to grant further period of three months from today, the disciplinary proceedings against the respondent would be concluded.

In the circumstances, having regard to the nature of the charges levelled against the respondent herein and the undertaking given by the State, we deem it appropriate to modify the order of the Tribunal in O.A.No.870 of 2005, dated 28.10.2005, directing that the petitioner herein shall conclude the disciplinary proceedings against the respondent herein on or before 30.06.2006, failing which, as indicated by the Tribunal, the charges against the respondent shall be deemed to have been dropped.

Coming to the other direction of considering the representation of the respondent for promotion, the same is also modified extending the period indicated by the Tribunal till 30.06.2006.

Accordingly, the writ petition is disposed of at the admission stage. No order as to costs.

J.CHELAMESWAR, J

M. VENKATESWARA REDDY, J

Date: 31.03.2006
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